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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,249	05/11/2001	John F. Palmer	9335.7	5959

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 05/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/853,249

Applicant(s)

PALMER ET AL.

Examiner

Anil Khatri

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-30 are rejected under 35 U.S.C. 101 because they disclose a claimed invention is that an “abstract idea and do not disclose any technological embodiment” as defined in the case *In re Wardmerdam*, 33, F.3d 1354, 31, USPQ2d 1754 (fed. Cir. 1994).

Examiner interprets that the claims are nonstatutory because there is simply abstractly constructed and claims involves no more that a manipulation of abstract idea and does not produce a useful results so that its functionality can be realized. Therefore, Claims 1-30 are nonstatutory and rejected under 35 U.S.C. 101.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ferguson et al* USPN 5,819,092.

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**Regarding claims 1, 18, 19 and 25**

*Ferguson et al. teaches*

- a structure-form based software tool that allows a user to create said web site based upon information input into a series of forms controlled by a customizable menu system (see figures 1, 19, column 4, lines 18-26, “ to provide... world wide web server”).

**Regarding claims 2, 6, 20, 21, 22, 26, 27 and 28**

*Ferguson et al. teaches*

- software tool allows a user to generate a product listings page, a product information page, and an order form page, each automatically generated based upon user input and linked to one another (figs. 3 a, 8, 12, column 4, lines 51, 65, “ the editing system... on line service, column 7, lines 10-21, online service... defined conditions”, column 9, lines 59-65, “content of the catalog... for a set fee).

**Regarding claims 3, 5, 16, 17 and 23**

*Ferguson et al. teaches*

- software provides for the creation of a main administration menu (fig. 1, 3, 4 7, 9-16, column 10, lines 30-54”).

**Regarding claim 4**

*Ferguson et al. teaches*

- allow user to access other information from a plurality of similar web site owners, said software allowing said user to upload said information to use on said user's web site to circumvent having the need for third party software (fig 2, column 8, lines 53-67, “ user initiate... to the user's” column 9, lines 1-10, “ the online service.. in step 250”).

**Regarding claims 7 and 15**

*Ferguson et al. teaches*

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software tool allows said web site to communicate with other commercial and non-commercial web sites on the Internet (column 8 lines 11, lines 9-26, "communication between.. later analysis").

**Regarding claims 8, 24 and 29**

*Ferguson et al. teaches*

- software tool allows said user to create affiliate program for their site (column 10, lines 1-11, "online service.. can be used").

**Regarding claim 9**

*Ferguson et al. teaches*

- slideshow maker tool for creating presentation on web site and slideshow organizing and allowing for the modification of the pages comprising said web site (see figure 7, column 17, lines 50-57, "visual editor... portable document").

**Regarding claims 10 and 30**

*Ferguson et al. teaches*

- slideshow maker features a creation panel comprising a main menu, a page for creating new pages, two pages for editing existing pages, and a page for reordering existing pages and changing the look of all said pages (see figure 7, column 17, lines 35-47, "hypermedia editor 711... can be supported").

**Regarding claim 11**

*Ferguson et al. teaches*

- a shopping cart/order form hybrid (figure 5, column 15, line 55").

**Regarding claim 12**

*Ferguson et al. teaches*

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- custom form builder that allows said user to set up fields and values in HTML format to create forms that accept input from anyone accessing said web site through the Internet (column 10, lines 1-11, "online service development tool... can be used", lines 29-39, "hypermedia documents... the global internet").

### **Regarding claim 13**

*Ferguson et al. teaches*

- a downloadable order history that allows anyone accessing said web site and placing an order thereon to view orders that have been received, and to provide several modification and cancellation options (figure 15, column 22, lines 20- 31, " developer could use... order screen").

### **Regarding claim 14**

*Ferguson et al. teaches*

- hidden web pages that said user may wish to be kept hidden (column 4, lines 63-65).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5907831

USPN 6178407

USPN 6061517

USPN 6202200

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANIL KHATRI  
PRIMARY EXAMINER